

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1, 2, 6, 9, and 15-21 are pending in this application, of which claims 15-21 are withdrawn as being directed to a non-elected invention. By this Amendment, claim 1 is amended. No new matter is added. Claims 1, 15 and 19 are the independent claims.

Applicant's Initiated Interview Summary

The courtesies extended by Examiner Mai to Applicant's representative, David J. Cho, Reg. No. 48,078, during a telephonic interview conducted on February 17, 2010, are acknowledged and appreciated. The substance of the interview is set forth in the Examiner's Interview Summary and in the following Applicant Initiated Interview Summary.

As required by 37 C.F.R. § 1.133(b), Applicant's summary of that interview is as follows:

1. Brief Description of any Exhibit Shown

No exhibit was shown or demonstrated during the interview.

2. Identification of the Claims Discussed

The Examiner and Applicant's representative discussed independent claims 1, 15, and 18.

3. Identification of the Specific Prior Art Discussed

The Examiner and Applicant's representative discussed U.S. Patent No. 6,815,618 to Halope ("the Halope reference").

further searching will be required, and if no art is found, the Examiner will place the application in condition for allowance.

Claims Rejections - 35 U.S.C. § 103

Claims 1, 2 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,851,618 to Halope ("the Halope reference"). Applicant respectfully traverses this rejection for the reasons discussed below.

As discussed and agree by the Examiner during the February 18, 2010 interview, Applicant respectfully submits that the Halope reference fails to disclose, or even suggest, *inter alia*:

the conductive areas of the electronic component and the conductive tracks of the substrate are in contact to achieve an electric connection via a pressure of application of the insulating material layer on the electronic component, and **after forming the layer of insulating material, the contacted conductive areas of the electronic component and the conductive tracks of the substrate are configured to rub together when repeated stressed are exerted on the substrate,**

as recited in amended claim 1.

The Halope reference at best only teaches a module 26 glued on the bottom of the cavity and rigidly maintained into a PVC material 22 or 25 previously melted during hot lamination of the layers to form the card body. See FIGS. 5 and 6 of Halope. Moreover, openings 48 and 50 located in the vicinity of the electronic module reinforce the connection of the module and the link between the internal layers (col. 4, lines 30-54). Therefore, the pressure of the lamination is maintained through the welds of two internal insulating layers 38, 58, and thus, any rubbing movement of the contacts under external constraint is not possible. In other words, the Halope reference **teaches away** of achieving a contact between the conductive areas of the

electronic component and the conductive tracks of the substrate via rubbing together when repeated stresses are exerted on the substrate. In particular, the purpose of the Halope device is to provide a hybrid of contactless smart card with reinforced connection of the electronic module (*col. 2, lines 11-14*). Moreover, the Halope reference discloses that stresses applied intentionally or unintentionally to the card is a major disadvantage for hybrid or contactless smart cards (*col. 1, lines 36-45*). Therefore, one of ordinary skill in the art would not have attempted to modify the device of the Halope reference to arrive at the claimed invention.

Accordingly, Applicant respectfully submits that the Halope reference fails to disclose, or even suggest, *inter alia*, "after forming the layer of insulating material, the contacted conductive areas of the electronic component and the conductive tracks of the substrate are configured to rub together when repeated stressed are exerted on the substrate," as recited in amended claim 1.

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to claim 1.

In view of the above, Applicant respectfully submits that the Halope reference fails to teach or suggest each and every element of claim 1, and therefore, claim 1 is allowable over the cited prior art. Claims 2 and 9 are dependent from claim 1 and, therefore, also allowable. Accordingly, Applicant respectfully requests that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

4. Identification of the Proposed Amendments

An amendment was proposed during the interview to distinguish over the Halope reference.

5. Summary of the Arguments Presented to the Examiner

Applicant's representative presented arguments regarding the failure of the Halope reference to disclose the subject matter of independent claim 1. More specifically, Applicant's representative argued that the Halope reference fails to disclose or suggest "the conductive areas of the electronic component and the conductive tracks of the substrateconfigured to rub together when repeated stressed are exerted on the substrate," as recited in claim 1. Although Examiner Mai agreed that the Halope reference fails to expressly disclose the configuration of "rubbing" of the contact areas, Examiner Mai asserted that the Halope reference, as broadly interpreted, teaches the above-mentioned feature. Applicant's representative also argued that the device of Halope *teaches away* from any movement because the assembly formed by the antenna support and two card bodies are *welded* together.

Applicant's representative then presented further claim amendments as made in the instant amendment to distinguish over the applied reference of Halope. The Examiner agreed with the proposed amendment, and suggested Applicant to file a response so that he may fully and formally consider the amendment.

6. General Indication of Other Pertinent Matters Discussed

No other pertinent matters were discussed during the interview.

7. General Outcome of the Interview

The Examiner and Applicants' representative agreed on the nature of the subject matter recited in independent claim 1. The Examiner also indicated that

Claim 6 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Halope in view of Japanese Application No. 01020197 ("Ikeda"). Applicant respectfully traverses this rejection for the reasons discussed below.

Claim 6 is believed to be allowable at least for the reasons set forth above regarding claim 1. The Ikeda reference fails to provide the teachings noted above as missing from the Halope reference. Since claim 6 is patentable at least by virtue of its dependency on claim 1, Applicant respectfully requests that the rejection of claim 6 under 35 U.S.C. § 103(a) be withdrawn.

Applicant's Traversal of Restriction Requirement

In the outstanding Final Office Action, the Examiner asserts that claims 15-21 are withdrawn as being directed to a non-elected invention. However, it is respectfully submitted that the Examiner has not carried forward the burden of proof to establish distinctness.

Initially, Applicants respectfully note that MPEP § 803 states:

[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicant respectfully submits that the Examiner has already considered the claims and conducted a search in the previous Office Actions mailed February 14, 2008, August 19, 2008, February 4, 2009, and November 24, 2009, and thus, it is unclear how there is a serious burden on the Examiner to continue examining claims which have already been searched. Further, Applicant respectfully submits that claims 15-21 appear to be part of an overlapping search area. Applicant also

respectfully notes that independent claims 15 and 19 include features somewhat similar to independent claim 1.

In view of the above, reconsideration and withdrawal of the restriction requirement, and favorable allowance of all claims in the instant application are earnestly solicited.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

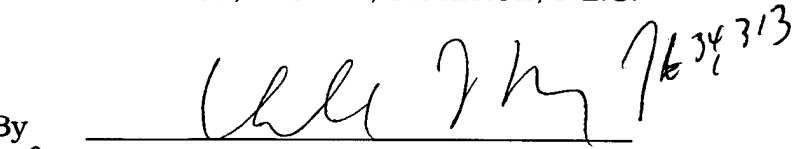
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

Handwritten signature of John A. Castellano in black ink, with the date 7/6/34 3/13 written to the right.

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